



Serial No. 10/071,494
Attorney Docket No. 40013-0001

Gp 12826

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application:
Taeg-Hyun Kang, et al.

Serial No.: 10/071,494

Filed: February 6, 2002

For: FIELD TRANSISTORS FOR
ELECTROSTATIC DISCHARGE
PROTECTION AND METHODS FOR
FABRICATING THE SAME

Confirmation No. 1924

Group Art Unit: 2826

Examiner: V. Mandala

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Election
F JONES
10-15-02

Commissioner for Patents
Washington, D.C. 20231

Box Non-Final Response

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

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In response to the Office Action dated September 3, 2002, Applicant requests reconsideration of the restriction requirement and examination of all claims in light of the following remarks.

Remarks

The Office required restriction to one of the following groups of inventions under 35 U.S.C. § 121:

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to:
Commissioner for Patents, Washington, D. C. 20231, on this 2nd day of October 2002.

Signed:

Dated: 2 October 2002

Group I: claims 1-10, 19-29, and 40-41, drawn to a field effect transistor, classified in class 257, subclass 360; and

Group II: claims 11-18 and 30-39, drawn to a method of manufacturing a field effect transistor, classified in class 438, subclass 15+.

The Office argues that Groups I and II are distinct because the product as claimed can be made by another and materially different method, e.g., the well region can be doped by ion implantation or by a diffusion process.

Applicant elects, with traverse, to prosecute the invention of Group I, claims 1-10, 19-29, and 40-41. Applicant does NOT traverse the Office's classification of the groups of inventions as distinct, merely the Office's reasoning because the Office has not satisfied the criteria for establishing a proper restriction requirement.

MPEP § 803 describes the two criteria necessary for a proper restriction requirement: (A) the inventions must be independent or distinct as claimed; and (B) there must be a serious burden on the examiner if restriction is required. *See MPEP § 803 ¶ 3* (emphasis added). With regard to the first criterion, Applicant does not traverse the classification of the inventions as distinct.

However, the Office has not established the second criteria for a proper restriction requirement. The Office has not substantiated—much less alleged—that there exists a serious burden on the examiner. Indeed, any allegation of an undue burden on the examiner is conspicuously absent in the Office's reasoning. Having not substantiated this second criterion, the Office has not established a proper restriction requirement.

For these reasons, the Office has not established a proper restriction requirement between Groups I and II.

Conclusion

For the above reasons, Applicant respectfully requests the Office to withdraw the restriction requirement and examine the pending claims.

If there is any fee due in connection with the filing of this Response, including a fee for any extension of time not accounted for above, please charge the fee to our Deposit Account No. 18-0013\40013-0002.

Respectfully Submitted,

By


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Date: October 2, 2002